

THE NOVA SCOTIA QUESTION.

IN CONNECTION WITH THE

RELIEF OF HIGHLAND & OTHER DESTITUTION,

BY

THE SYSTEMATIC PLANTATION

OF

NEW BRUNSWICK.

"A Work whereof We recommend the care to you, as a matter importing specially Our honour, and the good of that our ancient Kingdom."—*Letter from King Charles I. to the Privy Council of Scotland, 12th July, 1681.*

"Yours is a grand, a glorious project. Its influence extends over a vast space, both in the Old World and in the New. It must affect the destinies of hundreds of thousands of human beings, not only now, but for ages yet to come. It is a giant labour, bringing care, anxiety, and toil; but an ardent mind like yours will be cheered on in its onward course, by the high feeling which the consciousness of a great duty performed, and the bright gleam of hope that ultimate success will crown your indomitable efforts, cannot fail to bring. I shall anxiously look for intelligence of the progress of that course your spirit-stirring Appeal suggests to all which is high and excellent in the land. When the ancient ardour of the Nobles of the North shall rally round the STANDARD you have raised, to assert their feudal dignities and territorial rights, may God grant every success to their united efforts."—*Letter from the late Hon. Sir William Hillary, Bart. G. C. J. J. to the Hon. Sir Richard Brown, Bart., Dec. 1844.*

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1847.

COMMITTEE
OF THE
Baronets of Scotland and Nova Scotia,
FOR
NOVA SCOTIA RIGHTS.

*Appointed by a General Meeting of the Order, held at Edinburgh on the 7th of
November, 1844.*

The Honourable SIR WILLIAM GORDON, Premier Baronet.
The Honourable SIR WILLIAM BACON JOHNSTON, Bart.
The Honourable SIR ROBERT MURRAY, Bart.
The Honourable SIR WILLIAM ALEXANDER MAXWELL, Bart.
The Honourable SIR JOHN CAMPBELL, Bart.
The Honourable SIR FITZROY J. G. MACLEAN, Bart.
The Honourable SIR CHARLES SLINGSBY, Bart.
The Honourable SIR ROBERT MENZIES, Bart.
The Honourable SIR ROBERT K. DICK CUNYNGHAM, Bart.
The Honourable SIR JOHN MAXWELL, Bart.
The Honourable SIR JOHN PRINGLE, Bart.
The Honourable SIR WILLIAM C. SETON, Bart.
The Honourable SIR RICHARD BROUN, Bart.
The Honourable SIR JAMES STUART, Bart.
The Honourable SIR JAMES J. R. MACKENZIE, Bart.
The Honourable SIR ALEXANDER REID, Bart.

Hon. Secretary.

The Honourable SIR RICHARD BROUN, Kt. and Bart. K. C. J.

Bankers.

The BANK OF SCOTLAND, Edinburgh.

THE NOVA SCOTIA QUESTION, &c.

"Persevere for the furtherance of this ROYAL WORK—the plantation of Nova Scotia—that it may be brought to a full perfection."—*King James I.'s injunction to the Privy Council of Scotland, from his death-bed, 23d March, 1625.*

THE NOVA SCOTIA QUESTION has now been in progress for ten years. It was raised by proceedings adopted at a General Meeting of the BARONETS OF SCOTLAND and NOVA SCOTIA, held at Edinburgh on the 21st of October, 1836. It contemplates the revival of the territorial rights and objects of the Order in British North America; and is the most important one, both for the Mother Country and the Colonies concerned, which has arisen since the period of the Union.

The Royal Province of NOVA SCOTIA, or NEW SCOTLAND, comprehends all British North America now lying south of the river St. Lawrence, *viz.* Nova Scotia, New Brunswick, Gaspé, Prince Edward Island, Cape Breton, &c. These magnificent possessions, amounting in the whole to upwards of 70,580 square miles, more than twice the extent of Scotland, were annexed by James I. in 1624 to the KINGDOM OF SCOTLAND, and form an integral part and portion of it. The charters incorporating the two countries were twice ratified by Acts of the Scottish Parliament; and they are rendered indefeasible by the Treaty of Union between England and Scotland, in 1707. The reason for thus uniting Scotland and Nova Scotia, is stated in a letter addressed by Charles I. to the Baronets, on the 15th of August, 1632, *viz.* "It emanated from Our late dear Father's royal care for the HONOUR AND WEAL OF HIS ANCIENT KINGDOM, that the use of the dominion of New Scotland might arise to the benefit of that Kingdom." In the preamble to the grants of King James I. it is distinctly set forth, that they were made for the purpose of promoting "THE OPULENCE, PROSPERITY, AND PEACE" of the Mother Country and the Colony. That Monarch farther speaks of the plantation of Nova Scotia, in his letters to the Privy Council of Scotland, as "a noble purpose, whereby both the BARONETS IN PARTICULAR, and the WHOLE NATION GENERALLY, would have honour and profit." And as "a great work both for the good of the KINGDOM IN GENERAL, and for the PARTICULAR INTEREST of every Baronet."

The Order of Baronets of Scotland is not a mere honorary institution, but an Hereditary Estate having powers and functions greater even than those possessed by the Peerage; and the revival of the territorial rights and social objects of the Baronetage, is not only a BARONETS' QUESTION—a question concerning the family rights and prerogatives of one hundred and fifty noble individuals—but it is a SCOTTISH QUESTION, which concerns the hearth-seats and domestic interests of every subject of the Scottish Crown, wheresoever domiciled.

The territorial rights in Nova Scotia vested in the Baronetage by Crown Charters and Acts of Parliament, extend, in all, to 2,400,000

acres, being 16,000 acres for each member. One hundred and eleven of these grants were actually assigned to the first-created Baronets—each being not only defined by metes and bounds, but likewise erected into a Free Barony and Regality. The other thirty-nine grants were not given, because of the intervention of the Civil Wars. But it is a compact between the Crown and the State in Scotland, that no Baronet should ever be created in Scotland except for the express purpose of promoting the plantation of New Scotland; and that each shall have the stipulated territorial qualification of 16,000 acres, the same to be held of the Scottish Crown as a Free Barony and Regality. Further, each Baronet on his creation paid a quota of 3000 merks—no small sum two centuries ago—to the national treasury, in consideration of his admission into the Order. And the Patent of every Baronet created down to the Union, gives to him and his heirs male, every right, property, immunity, liberty, and prerogative whatsoever, that is or may be enjoyed by the senior Baronets, under whatsoever law, constitution, or ordinance constituting the Baronetage.

And these rights are not territorial alone, but political likewise. The Baronetage of Scotland is in fact the Peerage of New Scotland. Every Baronet, in virtue of his Barony and Regality, enjoys hereditary seat and voice in all the Legislative Assemblies of the Province. The seigniorial privileges possessed by each Baronet within his 16,000 acres—a territory sufficiently large to make several parishes—are such as the words a Barony and Regality implied under the feudal system. The rights, therefore, of the Body, taken collectively, are such as no Order of nobility ever enjoyed, in any kingdom or nation, from the beginning of the world downwards.

Nor does the revival of these rights hinge upon matter of opinion, upon what the Government may think of the subject on the one hand, or what the public, or individuals, may think of it on the other. Their revival is grounded ON LAW, and can, further, be advocated upon every principle of justice, of truth, of propriety, of humanity, of policy. The Kings who conferred them lay it down in their charters “that no lapse of time, non-user, prescription, nor any adverse circumstance whatsoever, shall bar the functions and hereditaments which they bestow.” And why? Because the peaceable exercise of the same by the Order, is, in every age and generation, to be held as “a purpose highly concerning the Sovereign’s honour and the good and credit of this ancient Kingdom.” There is no man, then, true to the interests of the Scottish Monarchy—there is no liege-subject of the Scottish Realm, faithful to the common birthrights of his race—who can feel indifferent or hostile to the question of their restitution. The Baronet, in especial, who shall turn his back on this cause, under the present exigent and calamitous posture of affairs, must be regarded by the universal British public, as lost to every high and just perception of his duty to his Order, his Family, and his Country.

Neither is the revival of the rights and prerogatives of the Baronets to be regarded only in a political aspect. Consider the immense patronage which they would place at the disposal of the Baronets. At the present moment, the difficulty of finding openings for the junior members of good families is found insuperable. It is an error to suppose that the systematic plantation of 2½ million acres of land, would open a door of relief only for the unemployed and distressed among the lower orders. To elevate indeed the lowest platform of humanity—the platform of humble life—is the best object this side of death, to which either patriot or philanthropist can consecrate their labours. But let it not be forgot that Sir Robert Peel, four years ago, stated in his place in Parliament the melancholy fact, that since his then recent accession to office he had received no less than 23,000 applications from distressed gentlemen in need of situations. Can those men of quality, education, and honour, who have their bread to earn, or the junior branches of the Scottish Aristocracy,

find any nobler or more useful occupation than that of laying in NOVA SCOTIA the foundations of a great monarchical nation?—of presiding over clannish or family settlements, laid in the humanities of virtue, wisdom, integrity, and patriotism—settlements which shall stand as a memorial to the latest ages of the enterprise, religion, and learning of OLD SCOTIA in her best and most glorious days?

And what imperative necessity exists also for rapidly settling New Scotland on such principles as these, co-terminous as that noble Colony lies to a revolted State, which is pledged to the promotion in general of republican ideas throughout the world, but to the extirpation in particular of every power or institute of royal origin on the American continent! Nova Scotia is the key by which Great Britain can open or shut the commerce of the Gulf of St. Lawrence on the one hand, and that of the Bay of Fundy on the other. What an heirloom is it then for the Families of the Scottish Baronetage, that they should plant the Standard of the Order on the nascent towers and citadels of that Province, which must ever be the ARX ET DOMICILIUM of British power and enterprise in the Western Hemisphere!

Nor is there any difficulty in dealing with the claims of the Baronets on the ground of their magnitude. Of the 111 grants made by King Charles I. but an inconsiderable number out of the whole are located; but had they all been settled, there still exists in New Brunswick 12,271,031 acres of land vacant and at the disposal of the local Government. Less than one-fourth of this will suffice to quiet the claims of the Order. Nor is there any disposition on the part of the Lieutenant-Governor of New Brunswick, or his Legislative Council, to oppose the wishes of the Baronets. On the contrary, they and the whole inhabitants of the Province, are sensible of the vast advantages, moral, social, political, and commercial, which would accrue to New Brunswick by placing a portion of its soil in the hands of so powerful and wealthy a branch of the ancient nobility of their Fatherland.

Whilst in New Scotland, taken collectively, there are upwards of 20,000,000 acres of soil capable of producing all species of grain, equal in quality to any raised in the Lothians, it is calculated that our yearly monied banking power in Scotland is not less than FORTY MILLIONS, and that our distressed redundant population amounts to 250,000 souls. Here then are the elements for a golden Rule of Three, by which to rectify the main evils in the Home Condition Question. And now is the time for a CRUSADE OF PEACE in the Western World, and congregating under the Banners of the Baronets, all in the United Kingdom who consider that Systematic Emigration and Colonization is the only effectual outlet for the national distress.

Three circumstances conspire to make the present moment more than ordinarily propitious for a revival of the rights and objects of the Scottish Baronetage. First, the formation of the projected Railway from Halifax to Quebec; second, the action which the recent Free-Trade Measure will have on the British North American Colonies; and third, the recurrence within the course of ten years, of a second Famine Visitation in the Highlands and Western Isles of Scotland.

I. The magnificent project of connecting the cities of Halifax and Quebec by a line of railway communication, was set on foot in June 1845, by Mr. Bridges, the Hon. Sir Richard Broun, Bart. Mr. Valentine, and others; and between that date and the present time the undertaking has been so far advanced as is implied,—1st, by the Lieutenant-Governors of Nova Scotia and New Brunswick, and the Governor-General of Canada, having severally promised, in reply to the memorials of the Projectors, to do everything in their power to forward their views; 2d, by the formation at Halifax, St. John, and Quebec, of Committees of correspondence

and co-operation, comprising about 200 of their most influential inhabitants; 3d, by the provincial Legislative Assemblies having each unanimously passed resolutions in favour of the Railway; 4th, by the collection of much important statistical information on the subject, showing both its practicability, and that it will prove a lucrative investment for capital; and finally, by the Home Government having directed a survey of the line to be made, which is now going on. Earl Grey, since his accession to office, has communicated to the Promoters "that Her Majesty's Ministers will be anxious to give the Railway all the support in their power;" and it is farther understood they will aid the Company now forming to construct it, by giving £1,000,000 sterling in money, and three million acres of land. The line will open up 300 miles of vacant territory in New Brunswick for settlement. It will bind into one the three British North American Provinces,—unite the capitals of Canada and Scotland by a ten days' intercourse,—consolidate British power in our transatlantic empire,—give a vast impulse to systematic Colonization.—and solve many of those problems connected with population, which form the main difficulty of the age in which we live.

II. The operation of the recent Free-Trade Measure, by destroying that which forms the principle of Colonies, viz. protection, must necessarily hasten the time when Old Scotland and New Scotland will have to be considered as ONE INTEGRAL STATE, with only a broader stream between them than that which divides the Lothians and Fife. When that day comes, and every effort must be made to accelerate its arrival, Emigration will lose the hated characteristics of expatriation, and our North American Colonies cease to be mere receptacles for the poverty, the ignorance, the idleness, and the vice of the mother country. New Brunswick, with a total area of 18,907,360 acres of as fertile soil as any in the globe, has hitherto been so colonised that in 44 years her population has increased only from 27,000 souls to something less than 200,000; this, too, whilst during the last 10 years 856,392 British emigrants have crossed the Atlantic, most of them to find domiciles under a Republican flag! This system must be changed, and society diffused over the FACE OF SCOTLAND in both hemispheres. New Brunswick, in especial, must be made the granary of Great Britain, and a market for our surplus manufacturing produce. The United States now raise yearly agricultural produce to the value of £130,000,000 sterling. Can Manchester, Glasgow, and our other power-loom cities stand in competition with a nation growing its own cotton, and corn besides of the annual value of 130 millions? No, we must balance consumption and production by raising the standard of our poorer fellow-creatures. And the noblest and most enduring market that British manufacturers and traders will ever find, within the compass of the globe, will be that which Free-Trade will compel us to create in our North American dominions, by peopling them with our own redundant flesh and blood, in such a way—such a well regulated systematic way—as humanity, patriotism, and Christianity enjoin.

III. The recurrence within ten years of a second Famine Visitation in the Highlands and Isles of Scotland, cannot but lead to a national confederation, for the purpose of making the New World the theatre of a mighty practical operation for the general and permanent remedy of those evils in population which afflict the Old. The appalling state of destitution to which 186,000 of our fellow-subjects in the North were reduced in 1837, led to a begging expedition into England—to the formation of a multitude of relief boards—to the appointment of a Committee of the House of Commons for inquiry—and to the adoption, by public meetings, of various resolutions, memorials, and appeals. But only one man—Sir Richard Broun—was found in Scotland, who devised the sure and efficacious remedy of an organised Association, for the carrying out in

Nova Scotia objects similar to those for which the Baronetage was erected, more than 200 years ago. His manifold labours in this cause, from 1836 to 1842, were, however, in the autumn of the latter year, rendered nugatory; and an institution which united the wealth, influence, and intelligence of fifteen Peers, thirty-eight Baronets, the Lord Provosts of Edinburgh and Glasgow, and several other eminent individuals, was destroyed, whilst yet in an incipient state, by misconduct on the part of Lord Stanley, then Colonial Minister, Sir John Pirie, Lord Mayor of London, and others. Since then, we have had three visitations: **FREE-TRADE DELUSION**, scattering seeds which, if left untended, will shortly spring up in worse forms than "armed bands;"—**RAILWAY MANIA**, smiting the inordinate lust that actuates the money-mongering classes;—and **CORN-LAW REPEAL**, breaking in upon the apathy that congeals the Landed Aristocracy. If we are to lay these startling lessons aright to heart, we will see that Providence is shutting us up to that course by which we shall substitute the conquests of Peace for the trophies of War, by adding new regions, not to the blood-stained car of some selfish despot, but to the hearth-seats and the uses of the British Family. We have masses of starving compatriots in different districts of Scotland, England, and Ireland, far outnumbering the three armies at Waterloo; and now is the time for another sort of rivalry than the battles of the senate or the field. In Ireland, £8,000,000 of money, and 130 work-houses, is the penalty superadded to the Famine and the Pestilence which there devastates the people. Shall we, in Scotland, wait the recurrence of a third Visitation? or shall we now, by a general movement, enlarge our borders, by diffusing our population over our majestic outlying confines? It will be found the truest policy to husband our internal and draw out our external resources. "Be fruitful and multiply—replenish the earth and subdue it," was the blessing breathed upon our race in Paradise. But hitherto we have made the blessing a curse, by obeying the first portion of the command, and disobeying the second!

It is, however, to be hoped that the times of social ignorance and dishonour will now rapidly disappear, and that the trance of expectation, which of late has pervaded the political mind of the country, will be made available by those who would train opportunity to bring forth its best fruits, and mark their own names on the glory of the better era to arise. We shall shortly then hope to see 2½ million acres of the soil of New Brunswick, in localities near to the proposed line of Railway, placed in the hands of the Baronets of Scotland. We shall also hope to see founded ere long, in that Province, somewhere on the banks of the Miramichi, a great central City, to be called **JAMESTOWN ROYAL**, in honour of the projector of the Baronetage. And further, we shall hope to see in that noble monarchical Colony, 150 Baronies and Regalities, peopled with the clansmen and tenantry of the Baronets—150 Mansions of Chiefs, each the seat of hospitality and domestic virtue—150 Churches administering to the spiritual wants of the community—150 Schools for the gratuitous education of youth—150 Hospitals for the relief of sickness and the solacement of age. When that day comes, the **BARONETAGE OF SCOTLAND AND NOVA SCOTIA** will be a state institute twice blessed—blessing both the Mother Country and the Colony; and then its members will truly illustrate their rank, and establish themselves to be, what the Royal author of their family honours intended, the **HIGH STEWARDS OF SCOTLAND** in things that will concern the grandeur, and the welfare, and the industry, and the peace, and the wealth, and the happiness of the **NATION**, on either side of the Atlantic, to the end of time.

SUMMARY OF CHARTERS, DOCUMENTS, &c.

UPON WHICH THE CLAIMS

OF THE

BARONETS TO LANDS AND RIGHTS IN NOVA SCOTIA ARE FOUNDED.

- I. The Charter of James I., 10th September 1621, annexing Nova Scotia to Scotland.
- II. Charter of Novodamus, 1624.
- III. One hundred and fifty Charters to the different Baronets, granted from 1625 to 1707; and the Intestments taken by many of them to their grants of land.
- IV. The Royal Commission of Charles I. to the Lords of the Privy Council of Scotland, 23th July 1625, empowering them to complete the creation of one hundred and fifty Baronets, and to confer upon each like privileges, grants, immunities, &c.
- V. Two Acts of Parliament, made and passed 31st July 1630 and 28th June 1633, ratifying and confirming all the rights and privileges of the Baronets then created, or afterwards to be created.
- VI. A Charter of Novodamus by William III. in 1698, to the Premier Baronet, thus recognising the validity of his ancestor's Charter of 1625.
- VII. Numerous Royal Letters, Warrants, and Proclamations connected with the erection of the Baronetage.
- VIII. The Treaty of Union in 1707, which provides that no alteration shall be made in the Laws which concern private rights then subsisting in any class of the subjects within Scotland.
- IX. The Treaty of Utrecht in 1713, and the Treaty of Paris in 1763, when Nova Scotia was finally restored to Great Britain, and the rights of the Baronets revived *jure postliminii*.
- X. The various steps and proceedings taken by the Baronets in 1775, 1777, 1783, and 1836, to keep alive their rights.

LEGAL OPINIONS.

First, By GEORGE BOWYER, Esq. of the Temple, Doctor of Civil Laws, &c. 11th Nov. 1844.

"I have read the Report of the proceedings of the Baronets of Scotland with much interest, and trust they will go on vigorously in the undertaking so justly commenced. I cannot conceive what pretence the Government can have for refusing to abide by the Charters of the Nova Scotia Baronets, which appear to me unimpeachable in point of Law. I do not see that the loss of the Province by war can have extinguished the rights of the claimants. I think that by the recapture of the Province their rights were revived *jure postliminii*; and I cannot understand how it is possible for the Treaty of Paris, in 1763, to affect them."

Second, By T. CHISHOLME ANSTET, Esq. of the Chancery Bar, Professor of Jurisprudence, &c. 21st Nov. 1844.

"I take a great interest in the proceedings of the Scottish Baronets, with respect to the Lands and other Rights they claim in Nova Scotia. And the facts set forth in the Report of the proceedings of the General Meeting of the Order at Glasgow, in August last (which I have read this morning), leave no doubt on my mind, as a lawyer pretty conversant with this department of science, that those claims are legal to their fullest extent, and must be upheld as such by any English Court to which they may be referred."

Third, by JOHN HOSACK, Esq. of the Middle Temple, 22d Nov. 1844.

"I have read, with great interest, the Reports of the proceedings, both at Glasgow and at Edinburgh, relative to the claims of the Nova Scotia Baronets. As the question is one of high importance, not merely to the parties immediately concerned, but to the Nation at large, every exertion ought certainly to be made to bring it prominently before the public. Were this done effectually, I confess I cannot see upon what ground the Government could resist the just claims of the Order."

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